

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION**

<b>ALEXIS WELLS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CAUSE NO: 3:21-cv-00047-JRS-MPB</b>
	)	
<b>THE FREEMAN COMPANY, and</b>	)	
<b>TIMOTHY VAUGHN, individually,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT, TIM VAUGHN’S, ANSWER TO COMPLAINT, AFFIRMATIVE  
DEFENSES AND COUNTERCLAIMS**

Defendant, Timothy Vaughn (“Vaughn”), by counsel, the law firm Biesecker Dutkanych & Macer, LLC, for his Answer to the Complaint of Plaintiff, Alexis Wells (“Wells”), states as follows:

**I. JURISDICTION AND VENUE**

1. Jurisdiction is conferred on this Court over the subject matter of this litigation pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et. Seq., (“Title VII”) and under the laws of the State of Indiana for claims of sexual assault and battery.

**Answer: To the extent that a response is required, Vaughn admits that the Complaint asserts claims for relief under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (“Title VII”) and Indiana Law.**

2. The Court has original jurisdiction pursuant to 28 U.S.C. §1331, 28 U.S.C. §1332(a) and 28 U.S.C. §1337.

**Answer: Admitted.**

3. This Court has supplemental jurisdiction over Plaintiff’s state law claims arising out of Indiana law pursuant to 28 U.S.C. §1367.

**Answer: Admitted.**

4. Venue lies with the Court pursuant to 28 U.S.C. §1391 for the reason that the Southern District of Indiana is the judicial district in which the Defendant, Timothy Vaughn (“Vaughn”) lives and where the Defendant, The Freeman Company (“Freeman” or the “Company”) regularly conducts business. Further, some of the alleged unlawful practices occurred in Vanderburgh County, Indiana.

**Answer: Vaughn admits he lives within the confines of the Southern District of Indiana.**

**Vaughn denies the remaining allegations of this paragraph.**

## **II. PARTIES**

5. Alexis Wells (hereinafter referred to as “Lexi” or “Plaintiff”), is a citizen of the United States of America and the State of Indiana and resides in Vanderburgh County, Indiana.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the remaining allegations in this paragraph.**

6. At all times relevant, Lexi was an “employee” of Freeman within the meaning of Title VII.

**Answer: Denied.**

7. The Freeman Company is a corporation with its principal offices located at 1600 Viceroy Drive, Suite 100, Dallas, Texas 75235.

**Answer: Admitted.**

8. At all relevant times, Freeman was an “employer” within the meaning of Title VII.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the remaining allegations in this paragraph.**

9. Freeman provides marketing services, branding, content development, guest speakers, exhibit design, presentation support, animation, audience research, marketing strategy, and event management services to customers globally and has grown into the premier service contractor for face-to-face marketing events.

**Answer: Admitted.**

10. At all times relevant, Freeman employed approximately 4,500 full-time employees and approximately 32,000 part-time employees.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the remaining allegations in this paragraph.**

11. At all times relevant, Freeman employed Vaughn as a Senior Client Solutions Manager.

**Answer: Denied.**

12. As a Freeman Client Solutions Manager, Vaughn served as the direct Freeman contact for clients and would work with the clients through all stages of production for a show or event, including confirming the job, managing logistics, and all requesting necessary resources to prepare and execute the client service plan.

**Answer: Denied.**

13. Vaughn traveled and supervised client jobs for Freeman on site as required to execute the client service plan.

**Answer: Denied.**

14. Vaughn hired, assigned and/or reassigned and disciplined employees on site as necessary to execute the client service plan.

**Answer: Denied.**

15. Vaughn was the Freeman lead account executive for multiple corporate accounts including Victoria Secret.

**Answer: Denied.**

16. Vaughn confirmed Freeman jobs and followed-up appropriately with information to prepare service plan requirements.

**Answer: Admitted.**

17. Vaughn produced and reviewed orders as project manager.

**Answer: Denied.**

18. Vaughn supervised jobs in progress as required.

**Answer: Admitted.**

19. Vaughn prepared reports of business transactions and kept expense accounts.

**Answer: Admitted.**

### **III. ADMINISTRATIVE PROCEDURES**

20. On or about June 26, 2020, Lexi timely filed a Charge of Discrimination with the Indianapolis District of the Equal Employment Opportunity Commission (“EEOC”).

**Answer: Denied in that no such Charge of Discrimination was filed against Vaughn.**

21. On January 12, 2021, the EEOC issued a Notice of Right to Sue giving Lexi ninety (90) days to commence legal action. This action is being initiated within ninety (90) days of Lexi’s receipt of the Notice.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

### **IV. FACTUAL ALLEGATIONS**

#### **A. The Grooming**

22. Vaughn has known Lexi for essentially her entire life.

**Answer: Admitted.**

23. Vaughn was a trusted friend to the Wells family.

**Answer: Admitted.**

24. Lexi's parents, Julie and James Wells, were best friends with Vaughn and his wife, Stephanie.

**Answer: Denied.**

25. The Wells and Vaughn families used to do almost everything together from attending the same church where Lexi's parents serve as pastors (and her grandparents before them), to sporting events, vacations, game nights and holiday gatherings.

**Answer: Denied.**

26. In short, the Wells and the Vaughns used to be very close friends, like family.

**Answer: Denied.**

27. As Lexi matured into a young lady during her junior and senior years of high school, Vaughn started to talk with her about modeling.

**Answer: Admitted.**

28. Vaughn would tell Lexi how beautiful she was and how her "curves" would be her biggest asset if she were to become a model.

**Answer: Denied.**

29. When Lexi was committed to start college at Western Kentucky University ("WKU") in the fall of 2017, Vaughn talked with her and her parents about Lexi becoming a Victoria Secret's PINK collegiate representative.

**Answer: Admitted.**

30. PINK is a lingerie and apparel line produced by Victoria's Secret.

**Answer: Admitted.**

31. Vaughn assured Lexi and her parents that the PINK program was professional, and he discussed with them the integrity of the program, telling them that he could use his connections with PINK to get Lexi a position.

**Answer: Denied.**

32. Under the guise of trying to help Lexi get the PINK collegiate representative position, Vaughn began to discuss with Lexi her "body measurements."

**Answer: Denied.**

33. Vaughn told Lexi that she needed to "tone up" and "get her body" in shape in order to have a chance at the PINK position.

**Answer: Denied.**

34. Vaughn gave Lexi guidance on workouts and healthy eating, all for the ostensible purpose of improving her chances of getting the position with PINK.

**Answer: Denied.**

35. Vaughn asked Lexi to send him her body measurements monthly so he could "track her progress" in order to provide the same to PINK officials.

**Answer: Denied.**

36. Vaughn then began to regularly contact Lexi via text, away from her parents, asking about her "body progress."

**Answer: Admitted.**

37. He also began to ask for "sample pictures" of her modeling various outfits, always with the explanation he needed the pictures so he could forward the same to his contact at PINK.

**Answer: Denied.**

38. Vaughn persuaded Lexi to send him her body measurements and photos under the PINK ruse by telling her she had “made it to the top 5”.

**Answer: Denied.**

39. Subsequently however, Vaughn told Lexi that PINK officials had decided not to add WKU to their collegiate line that year, but that it might happen the next year.

**Answer: Admitted.**

40. Vaughn told Lexi that, at a minimum, she was on the PINK officials’ radar.

**Answer: Denied.**

41. Vaughn continued to secure access to Lexi while she was in college, next dangling the opportunity to model pajama sets for PINK and Victoria’s Secret.

**Answer: Denied.**

42. Vaughn began to isolate Lexi, asking her to meet with him without her parents.

**Answer: Denied.**

43. Vaughn told Lexi that some things between them had to be private using “client confidentiality,” as the reason.

**Answer: Denied.**

44. Vaughn told Lexi to “be careful” sharing information with her parents.

**Answer: Denied.**

45. Vaughn told Lexi that if she wanted to work with him and be a part of “the industry”, she would have to get over the fact that he was “a close family friend.”

**Answer: Admitted.**

46. During 2017 and 2018, Vaughn discussed a number of “modeling opportunities” with Lexi, none of which came to fruition.

**Answer: Admitted.**

47. Vaughn consistently reminded Lexi “to be discreet,” because she was “a legal adult” although at the time Lexi was not 21 years of age yet.

**Answer: Denied.**

48. Vaughn told Lexi that her modeling was “not her parents’ decision.”

**Answer: Denied.**

49. On or about February 8, 2019, Vaughn talked with Lexi about modeling lingerie for the Bondy company at the Curve Expo in New York.

**Answer: Admitted.**

50. Under the guise of promoting Lexi for the Bondy position, Vaughn asked for Lexi’s updated body measurements.

**Answer: Denied.**

51. Vaughn also told Lexi to send him three “body shots” so Bondy could finalize “the look” around Lexi’s shape.

**Answer: Admitted.**

52. Vaughn sent Lexi examples of Bondy models and encouraged her to take pictures in similar poses and wardrobe and send them to him.

**Answer: Admitted.**

53. Vaughn told Lexi to “open up girl. You can never show too much shape.”

**Answer: Admitted.**

54. Vaughn again stressed the following to Lexi:



Also remember the confidentiality. I can't stress that enough. Even to parents. That's why I had your dad leave. They approved sleep and swimwear but it's on you now to tell me what you want to do and are comfortable with but like I said when we met in my [Freeman] office, problems with parents are not the concern of designers and I don't want your parents over judging you or me. I'll make sure you are not in bad situations but it is a modeling business for women.

**Answer: Denied to the extent Plaintiff has inserted "[Freeman]" into the above quoted text in an effort to mislead the Court.**

55. Filed herewith under seal and made a part hereof as Exhibit 1 are true and accurate copies of the February 8, 2019 text messages between Vaughn and Lexi.

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies that these text messages are true and accurate and/or Plaintiff has quoted them out of context and/or at the entirety of the text messages on the date cited by Wells.**

56. As with all the other "opportunities" Vaughn pitched to Lexi, this too did not come to fruition as on or about Monday February 18, 2019, Vaughn told Lexi that Bondy would not be attending the Curve Expo.

**Answer: Denied.**

57. In or around July 2019, the Wells family went on a vacation cruise with the Vaughn family.

**Answer: Admitted.**

58. On or about July 16, 2019, Vaughn asked Lexi if she would be interested in going to Chicago with him because he could "get a lot of great shots" of her there.

**Answer: Admitted.**

59. Vaughn arranged for Lexi to drive to Chicago with his daughter Haley.

**Answer: Admitted.**

60. Haley Vaughn used to be one of Lexi's close friends.

**Answer: Admitted.**

61. While in Chicago, Lexi and Haley Vaughn shared a hotel room secured and paid for by Vaughn.

**Answer: Admitted.**

62. On the night of the July 30, 2019, after Haley Vaughn had fallen asleep, Vaughn invited Lexi to his hotel room so that he could take some more photos of her.

**Answer: Denied.**

63. When Lexi got to Vaughn's room, he had studio lights, an iPad, and his camera set up.

**Answer: Denied.**

64. Vaughn also gave Lexi a Mojito cocktail he had bought for her although she had not yet turned twenty-one.

**Answer: Denied.**

65. True and accurate copies of the July 30, 2019 text messages between Vaughn and Lexi are attached hereto and made a part hereof as Exhibit 2.

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies that these text messages are true and accurate and/or Plaintiff has quoted them out of context and/or at the entirety of the text messages on the date cited by Wells.**

66. Vaughn took pictures of Lexi in his hotel room for approximately three hours.

**Answer: Admitted that Vaughn took pictures, denied that it was three hours.**

67. Filed herewith under seal and made a part hereof as Exhibit 3 are true and accurate copies of some of the pictures Vaughn took of Lexi in his hotel room in Chicago on July 30, 2019.

**Answer: A response is not required of Vaughn to this rhetorical paragraph.**

68. Even though Lexi asked Vaughn several times for a copy of the pictures he took of her in his hotel room in Chicago, Vaughn did not turn the pictures over to Lexi until on or about June 25, 2020.

**Answer: Denied.**

69. Vaughn continued to groom Lexi using the guise of creating a modeling portfolio for her.

**Answer: Denied.**

70. True and accurate copies of the September 30 to October 9, 2019 text messages between Vaughn and Lexi are attached hereto and made a part hereof as Exhibit 4.

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies that these text messages are true and accurate and/or Plaintiff has quoted them out of context and/or at the entirety of the text messages on the date cited by Wells.**

71. On November 23, 2019, Vaughn told Lexi he had been assigned the Victoria's Secret LUXE account and asked her "if she was interested."

**Answer: Admitted.**

72. He said he would have "a bunch" of product sent to her to "shoot with," and that afterwards he would submit her portfolio to The Fox Agency so she would be assigned a rep.

**Answer: Admitted.**

73. Lexi told Vaughn that she had “made progress” with her body measurements and that she had taken some progress pictures for herself.

**Answer: Admitted.**

74. Vaughn said “show me.”

**Answer: Admitted.**

75. Lexi then sent Vaughn four fairly revealing photos of herself.

**Answer: Denied to the extent Plaintiff has mischaracterized the photos as fairly revealing.**

76. Vaughn’s response to receiving these photographs was “you’re ready.”

**Answer: Admitted.**

77. True and accurate copies of the November 23, 2019 text messages between Vaughn and Lexi are filed herewith under seal and made a part hereof as Exhibit 5.

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies that these text messages are true and accurate and/or Plaintiff has quoted them out of context and/or at the entirety of the text messages on the date cited by Wells.**

#### **B. Lexi’s Employment with Freeman**

78. Shortly after Lexi turned 21, on December 12, 2019, in early January 2020, Vaughn orally offered Lexi a job to work for Freeman as his Production Assistant at Veeva Systems’ FY21 Kickoff taking place in Orlando, Florida from January 19th to the 25th.

**Answer: Denied.**

79. Vaughn told Lexi that she would “make the big bucks” if she took the job.

**Answer: Denied.**

80. Freeman Production Assistants make over \$13.00 dollars an hour.

**Answer: Denied.**

81. After discussing the job opportunity with Lexi and her parents, Lexi accepted Vaughn's job offer.

**Answer: Denied.**

82. On January 11, 2020 Vaughn told Lexi that he would see what he needed to do to get her paid by Freeman.

**Answer: Denied.**

83. On January 15, 2020 Vaughn told Lexi to meet him at the church where he rented office space so that he could get some information off to Freeman to get Lexi "squared away" for Orlando.

**Answer: Denied.**

84. Vaughn then told Lexi that she was going to start work that day, January 15, 2020, at 1:00 p.m. and that she needed to bring a note pad and pen.

**Answer: Admitted.**

85. On the 15th, Vaughn asked Lexi's father, James, to purchase Lexi's airline ticket to Orlando telling him that Lexi would be reimbursed for the cost of the ticket by Freeman.

**Answer: Denied.**

86. Vaughn told Lexi she would need to fill out some tax documents but his printer was not working at the time.

**Answer: Denied.**

87. Lexi started working for Freeman as Vaughn's Production Assistant at 1:00 p.m. on January, 15, 2020.

**Answer: Denied.**

88. The first order of business was Vaughn explaining Lexi's job responsibilities.

**Answer: Admitted.**

89. Vaughn told Lexi that she would be responsible for running errands, reviewing, updating, and organizing audio and visual lists, taking notes in meetings and/or on conference calls, maintaining a positive relationship with the client, and anything else that might be needed to accomplish what had to be done at the Veeva Systems' FY21 Kickoff.

**Answer: Denied.**

90. Vaughn told Lexi that in addition to reporting to him, Lexi would report to Freeman Manager Lloyd Ellis ("Ellis") when they were in Orlando.

**Answer: Denied.**

91. Vaughn explained the Veeva event to Lexi and told her that the work days would be long but that they would get to have fun also.

**Answer: Admitted.**

92. Vaughn showed Lexi the venue and floor layouts explaining that the event was taking place at the Hyatt Regency in Orlando.

**Answer: Admitted.**

93. Vaughn then had a conference call, and Lexi participated, with Veeva Systems' Event Manager, Laina Mendoza ("Mendoza").

**Answer: Denied.**

94. During the conference call with Mendoza, Vaughn introduced Lexi as his Production Assistant and told Mendoza that Lexi would be working with him at the event.

**Answer: Denied.**

95. Vaughn had Lexi take notes during the conference call as Vaughn and Mendoza went through the layout for the rooms and finalizing what equipment Freeman was supplying for each room.

**Answer: Denied.**

96. On January 15, 2020, Lexi worked in Vaughn's office until 5:00 p.m.

**Answer: Denied.**

97. On the night of January 15, 2020, Vaughn messaged Lexi and told her that he was starting work "early" the next day, and she should head to the office when she was up because he had "a pile for [her] to start getting ready for next week."

**Answer: Denied as Plaintiff has added words and context.**

98. True and accurate copies of the January 11, 2020 and January 15, 2020 text messages between Vaughn and Lexi are attached hereto and made a part hereof as Exhibit 6.

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies that these text messages are true and accurate and/or Plaintiff has quoted them out of context and/or at the entirety of the text messages on the date cited by Wells.**

99. Around 8:20 a.m the morning of January 16, 2020, Vaughn emailed Ellis, Freeman Production Manager Ishanee Devas, Hyatt's Convention Services Manager Tina Gmuer, Encore Event Technologies' Sales Manager Madison Altonji, Lexi, and Mendoza. The subject of the email was "Veeva FY21 FKO Pre travel production call."

**Answer: The document speaks for itself.**

100. A true and accurate copy of Vaughn's January 16, 2020 email and Madison Altonji's reply is attached hereto and made a part hereof as Exhibit 7.

**Answer: The document speaks for itself.**

101. Lexi got to Vaughn's office on January 16, 2020 at 10:30 a.m. to start work and she worked until 4:30 p.m.

**Answer: Denied.**

102. When Lexi arrived at Vaughn's office the morning of January 16, 2020, he had a table and computer set up for her in a corner of his office.

**Answer: Denied.**

103. On this day, in addition to participating on several conference calls, Lexi worked on comparing production schedules and updating lists and diagrams all at the direction of Vaughn.

**Answer: Denied.**

104. At some point while working in Vaughn's office on January 16, 2020, Vaughn talked to Lexi again about modeling lingerie for Victoria's Secret LUXE.

**Answer: Denied.**

105. Vaughn then asked Lexi for her current body "measurements."

**Answer: Denied.**

106. Vaughn told Lexi to lock his office door, and after she did so he had her lift up her shirt so that he could measure her waist and her breasts over her bra.

**Answer: Denied.**

107. On Friday January 17, 2020, Lexi reported for work at Vaughn's office at 10:40 a.m.

**Answer: Admitted.**

108. On this day she again compared production lists, participated in conference calls and worked on layouts all at the direction of and under the supervision of Vaughn.



**Answer: Denied.**

109. On the 17th, Lexi participated on one conference call where everyone on the call discussed how to include Veeva's Chief Marketing Officer, Nitsa Zuppas, on finalizing floor plans.

**Answer: Denied.**

110. On this same call, or on another call later in the day, the participants on the call discussed a short script that Veeva's mascot, Vern, was going to do to let everyone know there would be an after party at Harry Potter World in Universal Studios.

**Answer: Denied.**

111. During the conference calls, Vaughn instructed Lexi to take notes in order to discuss the same with him afterwards.

**Answer: Denied.**

112. On January 17, 2020, Lexi worked from 10:40 a.m. until 4:00 p.m.

**Answer: Denied.**

113. On Saturday January 18, 2020, the day before they were schedule to fly to Orlando, Lexi messaged Vaughn asking for the "dress code list" he told her he would send to her.

**Answer: Admitted.**

114. Vaughn messaged back telling Lexi to pack "business black with highlights of color and white but no jeans during show hours."

**Answer: Admitted.**

115. Vaughn told Lexi not to wear heels, to pack comfortable shoes and that "animal prints won't be a good choice."

**Answer: Admitted.**

116. True and accurate copies of the January 18, 2020 text messages between Vaughn and Lexi are attached hereto and made a part hereof as Exhibit 8.

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies that these text messages are true and accurate and/or Plaintiff has quoted them out of context and/or at the entirety of the text messages on the date cited by Wells.**

117. On Sunday January 19, 2020, Lexi traveled to Orlando, Florida.

**Answer: Admitted.**

118. Lexi's plane from Evansville to Sanford, Florida departed at 2:55 p.m. and landed around 5:50 p.m. Florida time.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

119. Lexi is afraid to fly so her physician had previously prescribed Klonopin to take as needed when flying.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

120. Lexi took one-half of a pill before boarding the plane.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

121. Vaughn instructed Lexi to take an Uber to the Rosen Shingle Creek hotel after her plane landed.

**Answer: Admitted.**

122. Vaughn instructed Lexi to let him know when she arrived at the hotel and had checked in because they “had work” to do that night.

**Answer: Admitted.**

123. Vaughn also told Lexi to download the iPhone app “WhatsApp” because it was how “the client communicates.”

**Answer: Admitted.**

124. When Lexi arrived at the Rosen Shingle Creek hotel and tried to check in, the hotel attendant could not find a reservation under her name.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

125. Lexi talked with Vaughn who explained that initially, she was supposed to be in a room at the Hyatt but that he had switched her reservation with Ishanee Devas’ so that she would be at the same hotel as him.

**Answer: Denied.**

126. Vaughn messaged Lexi a screen shot from Lurna Mendoza saying the changes had been made.

**Answer: Admitted.**

127. Lexi was still not given a room so she waited for Vaughn’s arrival.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

128. When Vaughn arrived at the Rosen Shingle Creek hotel, he raised some hell so-to speak about Lexi not having a reservation.

**Answer: Denied.**

129. Vaughn finally talked with John Pate, a friend of his that worked for the hotel, and Lexi was allowed to check into a room.

**Answer: Denied.**

130. True and accurate copies of the January 19, 2020 text messages between Vaughn and Lexi are attached hereto and made a part hereof as Exhibit 9.

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies that these text messages are true and accurate and/or Plaintiff has quoted them out of context and/or at the entirety of the text messages on the date cited by Wells.**

131. Shortly before Vaughn arrived at the Rosen Shingle Creek hotel, he messaged Lexi and Lloyd Ellis saying he was arriving soon and “Let’s have some Japanese food, saki and make fun of people.”

**Answer: Admitted.**

132. Ellis said he would meet “once [the] show [was] over” and Lexi “liked” Vaughn’s comment.

**Answer: Admitted.**

133. True and accurate copies of the January 19, 2020 text messages between Vaughn, Ellis and Lexi are attached hereto and made a part hereof as Exhibit 10.

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies that these text messages are true and accurate and/or Plaintiff has quoted them out of context and/or at the entirety of the text messages on the date cited by Wells.**

134. After Vaughn and Lexi had checked into the hotel, Ellis messaged Lexi and

Vaughn asking where they were and Vaughn responded saying he was headed to the lobby.

**Answer: Admitted.**

135. True and accurate copies of the January 19, 2020 text messages between Vaughn, Ellis and Lexi are attached hereto and made a part hereof as Exhibit 11.

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies that these text messages are true and accurate and/or Plaintiff has quoted them out of context and/or at the entirety of the text messages on the date cited by Wells.**

136. Lexi joined Vaughn in the lobby, and they headed to the Headwaters Lounge located in the hotel to meet Ellis.

**Answer: Admitted.**

137. Vaughn had his iPad with him and Lexi had a notebook and pen in her purse if needed because Vaughn had said they had work to do.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

138. After Vaughn, Lexi and Ellis were seated, Vaughn sent a picture of Lexi sitting at the table to Lexi's mom and dad, James and Julie Wells, and his wife, Stephanie.

**Answer: Admitted.**

139. Julie Wells commented "My working girl!!!!"

**Answer: Admitted.**

140. True and accurate copies of the January 19, 2020 text messages between Vaughn, Julie Wells and Stephanie Vaughn are attached hereto and made a part hereof as Exhibit 12.

**Answer:** A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies that these text messages are true and accurate and/or Plaintiff has quoted them out of context and/or at the entirety of the text messages on the date cited by Wells.

141. When the waitress came to the table, she asked if anyone would like a drink.

**Answer:** Denied.

142. Vaughn and Ellis ordered double Bourbons, and Lexi ordered a White Cosmo cocktail.

**Answer:** Denied.

143. Although Vaughn claimed to be extremely hungry, he did not order dinner so neither did Lexi.

**Answer:** Denied.

144. Vaughn did order the house-made salt and vinegar chips with fondue as an appetizer.

**Answer:** Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.

145. When the first round of drinks was gone, Vaughn and Ellis ordered another double, and Lexi ordered a Mojito cocktail.

**Answer:** Denied.

146. At this time, Ellis ordered the chicken wings appetizer.

**Answer:** Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.

147. Neither Vaughn nor Ellis asked Lexi if she wanted to order any food.

**Answer: Denied.**

148. Lexi did not ask if she could order food because she did not want to be presumptuous or do anything without Vaughn's instruction and approval.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

149. Lexi kept thinking however, that at some point, Vaughn and Ellis would order dinner and then, so would she.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

150. After the second round of drinks was gone, the waitress asked if she should bring another round.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

151. Vaughn and Ellis said yes but Lexi did not answer, so Vaughn answered for her and told the waitress "Yes, she does."

**Answer: Denied.**

152. The waitress then specifically asked Lexi "But do you want another one?"

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

153. To avoid embarrassment, Lexi agreed to have another drink.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

154. After this exchange, whenever the waitress came to the table and asked if she

should bring another round, Vaughn said “yes.”

**Answer: Denied.**

155. As the gathering stretched out, Lexi had numerous drinks, on top of taking onehalf of a Klonopin earlier in the day.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

156. Lexi also had very little food, eating only a couple of Vaughn’s salt and vinegar chips and some of Ellis’ wings.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

157. Needless to say, Lexi was starting to feel the effects of the alcohol she was drinking.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

158. Also, at no point did Vaughn or Ellis order an entrée, so neither did Lexi.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

159. In fact, Lexi never ordered any food, only having the rounds of drinks ordered for her by Vaughn.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

160. After the introductions and “getting to know you” discussions were exhausted, the dinner conversation did not switch to business.



**Answer: Denied.**

161. Instead, Vaughn and Ellis began making fun of people in the bar, and their comments focused mostly on the women in the bar.

**Answer: Denied.**

162. The topics of discussion between Vaughn and Ellis became increasingly sexual in nature and at one point, they started discussing how homosexuals could “take it up the butt.”

**Answer: Denied.**

163. Vaughn then said to Ellis something like “why don’t you ask Lexi?”

**Answer: Denied.**

164. Lexi was extremely embarrassed by this comment, and it made her very uncomfortable.

**Answer: Denied.**

165. However, instead of making a scene, Lexi just sat there looking stunned trying to shrug off and/or ignore Vaughn’s rude and vulgar comment.

**Answer: Denied.**

166. Lexi also tried to change the course of Ellis’ and Vaughn’s conversation numerous times by asking, for example, about the Veeva event details.

**Answer: Denied.**

167. Vaughn and Ellis showed no interest in discussing business other than to discuss some details of the load-in for the following day’s work.

**Answer: Denied.**

168. At some point in the conversation, Vaughn began to tell Ellis all about the potential modeling opportunities he had pitched to Lexi.

**Answer: Denied.**

169. Vaughn and Ellis then discussed Lexi's body measurements.

**Answer: Denied.**

170. Vaughn told Ellis that "his clients" wanted Lexi to model for them "because she had a great butt."

**Answer: Denied.**

171. During this exchange, Vaughn turned to Lexi and told her to "cat walk" down the bar aisle so he and Ellis could "see her butt."

**Answer: Denied.**

172. Feeling embarrassed, Lexi resisted at first but Vaughn insisted so she reluctantly complied with his demand.

**Answer: Denied.**

173. When Lexi returned to the table, she was greeted with comments from Vaughn and Ellis like "nice" and "nice butt."

**Answer: Denied.**

174. The dinner conversation continued to get more embarrassing for Lexi as the waitress continued to bring round after round of drinks and still no dinner was ordered.

**Answer: Denied.**

175. Vaughn told Ellis that Lexi's younger sister had asked him about modeling, but he told her she would have to wait until she was 18 because all they would see is her "ass and tits."

**Answer: Denied.**

176. Vaughn then started to talk about Lexi's friends and the fact that he monitored her and her friends' social media accounts.

**Answer: Denied.**

177. Vaughn told Ellis that he had seen “porn star quality videos” of Lexi’s friends, Camryn Cater, Grace Vogrin, and Maddy Williams as he followed them on Instagram.

**Answer: Denied.**

178. At one point, Vaughn told Ellis that he had seen videos of Lexi and in one of the videos, Lexi was “fingering herself to an orgasm.”

**Answer: Denied.**

179. Absolutely stunned and humiliated by this comment, Lexi told Vaughn that she had no idea what he was talking about, and she asked where he supposedly saw such a video.

**Answer: Denied.**

180. Vaughn responded in a joking manner saying “oh you don’t remember, were you drunk?”

**Answer: Denied.**

181. Vaughn continued to embarrass Lexi telling Ellis that he had “seen every inch of Lexi” so she had nothing to hide from him.

**Answer: Denied.**

182. Vaughn also told Ellis that he had information on Lexi’s parents and knew “things” about Lexi’s mom.

**Answer: Denied.**

183. Completely blindsided at this point and being extremely embarrassed and disturbed by Vaughn’s comments, Lexi grew quieter and quieter.

**Answer: Denied.**

184. Lexi had had too much to drink and was feeling tired and disoriented.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

185. Also, she was trying hard to process what was actually happening and asking herself “why was Vaughn treating her this way and saying the things he was saying?”

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

186. Finally, Ellis called it a night.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

187. Ellis left the table, and the waitress brought Vaughn the check.

**Answer: Denied.**

188. When signing the check, Vaughn told Lexi his room number and what percentage he tips saying that “as his assistant” she would have to sign checks later in the week when he was too drunk to do so.

**Answer: Denied.**

189. Vaughn used his Freeman American Express Card to pay the bill.

**Answer: Admitted.**

190. The bill was over \$350.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

191. After Vaughn paid the bill, he and Lexi got up from the table and they headed towards the elevators to go to their rooms.

**Answer: Denied.**

192. As they were walking, Vaughn suggested that he go with Lexi to her room so he could finish taking photos of her for the modeling portfolio he was making.

**Answer: Denied.**

193. Lexi hesitated but Vaughn persuaded her to let him come to her room telling her that he would then have new photos to give to the Fox Agency, and they would see how her body shape had changed due to her weight loss.

**Answer: Denied.**

194. Lexi was too tired to argue with Vaughn so once again, she gave in to his demands.

**Answer: Denied.**

195. Once in Lexi's room, Vaughn asked her what kind of lingerie she had with her.

**Answer: Denied.**

196. Spotting Lexi's suitcase, Vaughn began to rifle through the bag of underwear Lexi had packed and, he pulled out a maroon-colored thong and told Lexi to put it on for him.

**Answer: Denied.**

197. Lexi did as Vaughn instructed.

**Answer: Denied.**

198. Vaughn then asked Lexi what bra she was wearing.

**Answer: Denied.**

199. Lexi told him that she had on a sports bra.

**Answer: Denied.**

200. Vaughn then proceeded to run his fingers over Lexi's bra on the inside of her shirt touching the top of Lexi's breast.

**Answer: Denied.**

201. Vaughn then said “that will not work.”

**Answer: Denied.**

202. Vaughn then told Lexi to take off her bra and lay on the bed.

**Answer: Denied.**

203. Vaughn then took pictures of Lexi while she was laying on the bed.

**Answer: Denied.**

204. Vaughn kept adjusting Lexi’s hair and body for different poses.

**Answer: Denied.**

205. While taking pictures of Lexi, Vaughn focused on Lexi’s crotch area telling her that “she needed to shave her vagina” before he took any more photos.

**Answer: Denied.**

206. Lexi then got up and walked towards the bathroom.

**Answer: Denied.**

207. Vaughn followed her.

**Answer: Denied.**

208. Lexi turned on the bath faucet, and the tub began to fill with water.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

209. Lexi tried but could not close the bathroom door because Vaughn was blocking it.

**Answer: Denied.**

210. Lexi was confused and disoriented by Vaughn’s presence.

**Answer: Denied.**

211. Vaughn poured a bottle of the hotel body wash into the tub.

**Answer: Denied.**

212. Vaughn then told Lexi to get in the tub and shave her vagina.

**Answer: Denied.**

213. Lexi dutifully followed Vaughn's orders.

**Answer: Denied.**

214. As Lexi lay in the tub, Vaughn stood in the bathroom and watched.

**Answer: Denied.**

215. After a few moments, Vaughn said something to Lexi like "you aren't used to the pressure, let me do it" referring to Lexi trying to shave her vagina.

**Answer: Denied.**

216. Vaughn then took the razor out of Lexi's hand and began to shave the top part of her vagina.

**Answer: Denied.**

217. Vaughn then reached into the bath water and groped Lexi vagina, touching the inside and outside labia.

**Answer: Denied.**

218. As Vaughn was groping Lexi, he said he was searching to see if "we" missed any spots.

**Answer: Denied.**

219. Lexi remembers feeling paralyzed as she lay in the tub and Vaughn telling her over and over again to relax and just lay there.

**Answer: Denied.**

220. Vaughn proceeded to shave Lexi's labia, all the while groping her until he finally said "he got it all."

**Answer: Denied.**

221. At some point while Lexi was in the tub, Vaughn grabbed her phone and he took photographs of her laying in the tub.

**Answer: Denied.**

222. Lexi asked Vaughn what he was doing and if her face was in any photo.

**Answer: Denied.**

223. Lexi was confused and embarrassed and she felt trapped. She kept thinking "what is happening?"

**Answer: Denied.**

224. Lexi told Vaughn she did not want her face in any photo.

**Answer: Denied.**

225. Vaughn then proceeded to spread Lexi's legs and he took close-up photos of her shaved vagina.

**Answer: Denied.**

226. After Lexi had been in the bathtub for a while with Vaughn watching and snapping photos, Vaughn told her it was "massage time" and that he was going to get her "relaxed."

**Answer: Denied.**

227. Vaughn helped Lexi out of the tub and guided her to the bed.

**Answer: Denied.**

228. He laid a towel down on the bed and told Lexi to lay face down.

**Answer: Denied.**



229. Vaughn then grabbed another towel and wiped Lexi's body down.

**Answer: Denied.**

230. Vaughn then began to rub lotion all over Lexi's body and massage it into her shoulders, arms and back.

**Answer: Denied.**

231. Vaughn quickly moved down to Lexi's butt and legs.

**Answer: Denied.**

232. Vaughn repeatedly ran his fingers in between Lexi's legs and touched the inside of her labia and ran his fingers over the opening of her vagina.

**Answer: Denied.**

233. Vaughn repeatedly asked Lexi "if that felt good."

**Answer: Denied.**

234. Vaughn then told Lexi to roll onto her side.

**Answer: Denied.**

235. Vaughn then took close-up photos of Lexi's butt on his cell phone.

**Answer: Denied.**

236. Vaughn then put the phone in Lexi's face and said, "that's your ass."

**Answer: Denied.**

237. Vaughn then knelt down at the edge of the bed and pulled the lips of Lexi [SIC] vagina apart and took another photo.

**Answer: Denied.**

238. He then put the phone in Lexi's face again and said, "that's your pussy."

**Answer: Denied.**

239. Vaughn continued to take photos of Lexi to gratify his own sexual desires as she lay on the bed fading in and out of full consciousness.

**Answer: Denied.**

240. Vaughn then told Lexi to roll onto her back.

**Answer: Denied.**

241. When she did, Vaughn touched Lexi's nipples and said, "Your nipples are erect. Are you turned on right now?"

**Answer: Denied.**

242. Vaughn then asked Lexi if she had a vibrator with her.

**Answer: Denied.**

243. Lexi said "no" and Vaughn said "Aw, why not? That could've been fun."

**Answer: Denied.**

244. Vaughn then retrieved Lexi's phone and sat on the edge of the bed and picked up Lexi's legs and put them over his.

**Answer: Denied.**

245. He held Lexi's phone up to her face attempting to unlock it with face ID.

**Answer: Denied.**

246. That did not work so he told Lexi to punch in her password saying he wanted to set her alarm for work.

**Answer: Denied.**

247. Vaughn then had Lexi chug two bottles of water that were in the room.

**Answer: Admitted.**

248. Lexi remembers the water running down her face as Vaughn tipped the bottles up

saying she needed to drink it so she would sober up and would not have a headache in the morning.

**Answer: Admitted.**

249. As Vaughn was leaving Lexi's room, he told her that "the night" was all about getting her relaxed so he could see how far he could push her boundaries and that "she did good."

**Answer: Denied.**

250. After Vaughn left the room, Lexi immediately locked her door in case he would try to return.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

251. Lexi was frightened and confused and was trying to discern what has actually just happened.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

252. Lexi called her friend Kendall and told her what had just happened but begged her not to tell anyone until Lexi could work through what to do.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

253. Lexi was afraid of Vaughn and the powerful people he knew.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

254. At approximately 8:30 a.m. the morning of January 20, 2020, Vaughn texted Lexi

and asked if she was “up getting ready for a long day”.

**Answer: Admitted.**

255. Vaughn messaged Lexi again five minutes later telling her that he would “be in the lobby working when [she was] up.”

**Answer: Admitted.**

256. When Lexi did not answer, Vaughn messaged again at approximately 9:02 a.m. asking her if she was “alive.”

**Answer: Admitted.**

257. Feeling that she had to respond at some point, Lexi answered “Yes haha I’m up.”

**Answer: Admitted.**

258. Vaughn then told Lexi to take her time getting ready and that he and Ellis were at the Hyatt doing some walk throughs.

**Answer: Admitted.**

259. True and accurate copies of the January 20, 2020 text messages between Vaughn, Ellis, and Lexi are attached hereto and made a part hereof as Exhibit 13.

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies that these text messages are true and accurate and/or Plaintiff has quoted them out of context and/or at the entirety of the text messages on the date cited by Wells.**

260. Lexi did not know what to do at this point. She was alone and dependent on Vaughn who was acting like nothing had happened the night before.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

261. Lexi decided to try and just get through the workday while thinking about what to do next.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

262. Lexi then called her mom, because if she didn't, she knew her mom might text Vaughn asking how things were going.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

263. Lexi showed her mom her hotel room, acting like nothing was wrong.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

264. At approximately 9:40 a.m. Lexi headed to the Hyatt to meet Vaughn and Ellis.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

265. Lexi worked at the Hyatt doing whatever tasks Vaughn assigned.

**Answer: Denied.**

266. Lexi ate lunch with Vaughn, Ellis, Lurna Mendoza, and one of Mendoza's coworkers during which Vaughn again introduced Lexi as his Production Assistant.

**Answer: Denied.**

267. In the afternoon of January 20, 2020, Lexi worked with Ishanee Devas verifying the production lists.

**Answer: Admitted.**

268. Lexi also worked with and at the direction of a Freeman employee named "Clay".

**Answer: Denied.**

269. It is believed that “Clay” was Clay Kindrick, a Freeman Client Solution Manager.

**Answer: Denied.**

270. As the day progressed, Lexi grew more and more anxious and paranoid about what had happened the night before.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

271. Lexi finally decided to look through her phone for any pictures that Vaughn had taken of her the night before.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

272. Lexi did not find any photos in her photo folder so she checked her “recently deleted” folder and that is where she found the pictures.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

273. Filed herewith under seal and made a part hereof as Exhibit 14 are true and accurate copies of the pictures Vaughn took of Lexi in Lexi’s hotel room on January 20, 2020.

(With a redaction)

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies taking all the pictures.**

274. Lexi immediately felt sick to her stomach when she saw the pictures Vaughn took of her.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

275. Lexi was scared, anxious and felt trapped.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

276. Lexi thought to herself that if she left work, Vaughn would know something was wrong and she had nowhere to go that was safe.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

277. Lexi managed to tough out the rest of the workday trying to decide what to do next.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

278. Lexi took an Uber back to the hotel with Vaughn and Ellis around 5:00 p.m.

**Answer: Admitted.**

279. During the Uber ride, Vaughn suggested meeting for a burger after everyone had time to freshen up.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

280. Lexi did not want to go to dinner again with Vaughn and Ellis but she knew that if she declined, Vaughn would question her and would know something was wrong.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

281. Lexi reluctantly agreed to meet Vaughn and Ellis for dinner.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

282. Lexi thought “I can do this” and headed out the door to meet Vaughn and Ellis around 5:50 p.m.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

283. At dinner, Lexi tried to act normal but she was nervous and anxious and had trouble eating.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

284. Lexi choked down some of a burger and a glass of wine before Vaughn said she looked tired and told her she did not have to stay.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

285. Relieved, Lexi excused herself and started toward her hotel room.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

286. Once she was away from Vaughn and Ellis, Lexi called her mom.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

287. Lexi told her mom everything that had happened, and by the time Lexi got to her hotel room, she was shaking and crying.



**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

288. After talking to their daughter, Julie and James Wells called their close friends, Justin and Nikki Williams, who live in Venice, Florida, explained to them the gravity of the situation, and asked them to drive to Orlando to get Lexi.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

289. The Williams' agreed to get Lexi, and Julie Wells stayed on the phone with her daughter until she was safe in Justin and Nikki Williams' car and heading back to their home in Venice.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

290. In the meantime, James Wells got in his car and started the drive from Evansville to Venice, Florida to get his daughter and bring her home.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

291. Before returning to Evansville, James Wells took his daughter to the emergency room at Lakewood Ranch Medical Center to have her examined.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

292. Lexi also filed a sexual assault complaint against Vaughn over the phone with the Orange County Sheriff's Department.

**Answer: Vaughn lacks sufficient information or knowledge to admit or deny the allegations in this paragraph.**

293. On the morning of January 21, 2020, Vaughn messaged Lexi asking if she was up.

**Answer: Admitted.**

294. Approximately 5 minutes after sending Lexi the first text message, Vaughn messaged Lexi again, telling her that he was headed over to the Hyatt with Ellis and to let him know when she was at the Hyatt.

**Answer: Admitted.**

295. Five (5) minutes after sending the second text to Lexi, Vaughn messaged Lexi again asking “You alive and OK?”

**Answer: Admitted.**

296. In the span of approximately one hour, Vaughn texted Lexi 8 times.

**Answer: Denied.**

297. Attached hereto and made a part hereof as Exhibit 15 are true and accurate copies of the January 21, 2020 text messages Vaughn sent to Lexi.

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies that these text messages are true and accurate and/or Plaintiff has quoted them out of context and/or at the entirety of the text messages on the date cited by Wells.**

298. Given Lexi did not answer his text messages, Vaughn began to text Lexi’s parents asking if they had heard from her.

**Answer: Admitted.**

299. Julie Wells told Vaughn that Lexi was with her father and that she would not be

returning to the hotel to work.

**Answer: Admitted.**

300. Vaughn then asked if she was okay and Julie said “No.”

**Answer: Admitted.**

301. Vaughn then asked Julie Wells to please update him on “what changed overnight,” telling her that he would find someone locally to take over the Production Assistant job.

**Answer: Denied.**

302. Vaughn then repeatedly texted Julie and James Wells asking “What is going on?” and for them to “please tell [him] something?”

**Answer: Denied.**

303. Attached hereto and made a part hereof as Exhibit 16 are true and accurate copies of the January 21, 2020 text messages between Vaughn and Julie Wells.

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn denies that these text messages are true and accurate and/or Plaintiff has quoted them out of context and/or at the entirety of the text messages on the date cited by Wells.**

304. Vaughn paid for Lexi’s hotel room in Orlando with his Freeman credit card.

**Answer: Denied.**

305. On or about April 6, 2020, a lengthy letter was sent to Freeman outlining the sexual assault and battery and harassment Lexi endured at the hands of Freeman Manager Tim Vaughn and, demanding that she be paid the wages she earned while working as a Freeman Production Assistant.

**Answer: Admitted.**

306. Freeman was asked to immediately look into the situation and to provide Freeman's version of the facts in addition to its Manager, Tim Vaughn's version.

**Answer: Admitted.**

307. Attached hereto and made a part hereof as Exhibit 17 is Freeman's reply.

**Answer: A response is not required of Vaughn to this rhetorical paragraph. To the extent a response may be required, Vaughn is without sufficient information to admit or deny that this is the letter sent by Freeman.**

## **COUNT I**

### **(HOSTILE WORK ENVIRONMENT)**

308. All preceding paragraphs are incorporated herein by this reference.

**Answer: Vaughn incorporates by reference all preceding responses as if fully set forth herein.**

309. Freeman placed Vaughn in a position of authority and gave him the responsibility to run the Veeva Systems' FY21 Kickoff event through all stages of production, including confirming the job, managing logistics, and all requesting necessary resources to prepare and execute the client service plan.

**Answer: Denied.**

310. Vaughn hired Lexi as his Production Assistant with the knowledge of Freeman and its supervisors and managers.

**Answer: Denied.**

311. Lexi worked with, and at the direction of, Vaughn and other Freeman managers and supervisors.

**Answer: Denied.**

312. Vaughn engaged in unlawful employment practices by intentionally creating an intimidating, hostile, and offensive work environment for Lexi in violation of Title VII.

**Answer: Denied.**

313. Freeman managers and supervisors witnessed Vaughn's actions and did not take any steps to stop the same and in fact, Ellis participated in creating an intimidating, hostile and offensive work environment for Lexi.

**Answer: Denied.**

314. Freeman Manager Vaughn's actions interfered with Lexi's work performance and created an intimidating, hostile and offensive work environment in violation of Title VII.

**Answer: Denied.**

315. As a direct and proximate cause of Vaughn's actions against Lexi, Freeman has caused Lexi to suffer compensatory damages, including, but not limited to, loss of employment, employment benefits, mental anguish, pain and suffering, humiliation, embarrassment, degradation, loss of reputation, attorney fees and other expenses as allowed by law.

**Answer: Denied.**

316. Vaughn's conduct was willful, in that he knew and/or showed reckless disregard for the matter of whether his conduct, described above, was prohibited by Title VII.

**Answer: Denied.**

## **COUNT II**

### **(SEXUAL HARASSMENT/MOLESTATION)**

317. All preceding paragraphs are incorporated herein by this reference.

**Answer: Vaughn incorporates by reference all preceding responses as if fully set forth herein.**

318. Freeman Manager Vaughn engaged in unlawful employment practices by intentionally sexually harassing and molesting Lexi in violation of Title VII.

**Answer: Denied.**

319. As a direct and proximate cause of Vaughn's actions against Lexi, Freeman has caused Lexi to suffer compensatory damages, including, but not limited to, loss of employment, employment benefits, mental anguish, pain and suffering, humiliation, embarrassment, degradation, loss of reputation, attorney fees and other expenses as allowed by law.

**Answer: Denied.**

320. Vaughn's conduct was willful, in that he knew and/or showed reckless disregard for the matter of whether his conduct, described above, was prohibited by Title VII.

**Answer: Denied.**

### **COUNT III**

#### **(WAGE PAYMENT)**

321. All preceding paragraphs are incorporated herein by this reference.

**Answer: Vaughn incorporates by reference all preceding responses as if fully set forth herein.**

322. Lexi worked for Freeman as Vaughn's Production Assistant from January 16, 2020 to January 20, 2020.

**Answer: Denied.**

323. Lexi has made a demand to Freeman for the payment of wages for the work she performed as Vaughn's Production Assistant.

**Answer: Denied.**

324. Under I.C. §22-2-5-1, et seq. Lexi is entitled to receive, in addition to the amounts

due her under Indiana's wage payment statutes, liquidated damages equal to ten percent (10%) of the amount of wages owed for each day the sums remain unpaid, not exceeding double the amounts due and her attorneys' fees.

**Answer: Denied.**

#### **COUNT IV**

##### **(TIMOTHY VAUGHN, INDIVIDUALLY – BATTERY)**

325. All preceding paragraphs are incorporated herein by this reference.

**Answer: Vaughn incorporates by reference all preceding responses as if fully set forth herein.**

326. Vaughn methodically groomed Lexi so as to gain power over her and her actions.

**Answer: Denied.**

327. By the actions described above, Vaughn sexually assaulted and molested Lexi and committed battery to her person.

**Answer: Denied.**

328. Lexi did not consent when Vaughn touched her in a harmful, offensive and sexual manner thereby committing battery.

**Answer: Denied.**

329. Lexi has suffered pain, humiliation, and mental anguish as a result of Vaughn's unlawful and unwanted touching.

**Answer: Denied.**

#### **COUNT V**

##### **(TIMOTHY VAUGHN, INDIVIDUALLY – SEXUAL BATTERY)**

330. All preceding paragraphs are incorporated herein by this reference.

**Answer: Vaughn incorporates by reference all preceding responses as if fully set forth herein.**

331. By all the actions described above, Lexi did not consent when Vaughn touched her in a harmful, offensive and sexual manner thereby committing sexual battery.

**Answer: Denied.**

332. Lexi has suffered pain, humiliation, and mental anguish as a result of Vaughn's unlawful and unwanted touching.

**Answer: Denied.**

**Vaughn denies that Plaintiff is entitled to any of the relief requested in her Prayer for Relief.**

### **GENERAL DENIAL**

To the extent any allegations in the Complaint remain unanswered, Vaughn hereby denies the same and denies that Plaintiff is entitled to any relief.

### **AFFIRMATIVE DEFENSES**

Comes now the Defendant, Timothy Vaughn ("Vaughn"), by the law firm Biesecker Dutkanych & Macer, LLC, for his Affirmative Defenses to Wells' claims, states as follows:

1. Plaintiff fails to state a claim upon which relief can be granted.
2. Plaintiff's claims are barred by the doctrine of unclean hands.
3. Plaintiff did not exhaust her administrative remedies as required by Title VII of the Civil Rights Act of 1964, as amended. She failed to file a Charge of Discrimination against Vaughn.
4. Plaintiff did not exhaust her administrative remedies as required by Indiana Unpaid Wages law. She has failed to file a claim with the Indiana Department of Labor.



5. Vaughn is not an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended. As such, a claim cannot be brought against him under Title VII.

6. Plaintiff has failed to mitigate her damages, if any.

7. Plaintiff has not suffered any damages.

8. Plaintiff's claims, in whole or in part, are barred by the applicable statute of limitations or were otherwise untimely filed.

9. To the extent that Defendant is the prevailing party in this Title VII lawsuit, Plaintiff is not entitled to an award of attorney's fees under the statute.

10. Plaintiff was not Vaughn's employee as defined by Indiana Wage Claim law.

11. To the extent that Plaintiff is the prevailing party with regard to her Indiana Wage Claim, Plaintiff is not entitled to an award of liquidated damages or attorney's fees under the statute because Vaughn acted reasonably and in good faith.

12. Vaughn reserves the right to raise such further and additional separate affirmative defenses as may be available based upon the facts developed in discovery or as may be applicable under the law.

WHEREFORE, Defendant, Timothy Vaughn, denies Plaintiff is entitled to the demanded relief and respectfully requests Plaintiff take nothing by way of her Complaint and that Plaintiff's Complaint be dismissed in its entirety and with prejudice.

### **COUNTERCLAIMS**

Comes now the Defendant and Counterclaim Plaintiff, Timothy Vaughn ("Vaughn"), by the law firm Biesecker Dutkanych & Macer, LLC, and for his Counterclaim against Plaintiff and Counterclaim Defendant, Alexis Wells ("Wells"), states as follows:

1. Vaughn has been friends with Wells' parents Julie and James for an extended period of time.

2. Vaughn and the Wells attended the same church.

3. Julie and James Wells hold the positions of Co-Pastors at the Cathedral Church in Evansville Indiana.

4. Wells own and operates a business named "Glitz & Glow" that she advertises on social media – including Facebook and Instagram. Glitz and Glow does makeup, spray tans, etc.

5. In or about January 2020, Vaughn offered Wells and her business an opportunity to work as an independent contractor and gain modeling experience, experience working on video shoots and live events at the Veeva event to be held in Orlando, Florida from January 19, 2020 through January 25, 2020.

6. Wells' business opportunity was to work as a Makeup Artist first and foremost – then as a Production Assistant to the Executive Producer during the times she was not doing makeup up for video shoots.

7. Wells never provided an invoice or any billing to Vaughn for her services at the Veeva Event.

8. During an evening of the event, Wells became intoxicated.

9. Wells asked Vaughn to come back to her hotel room to look at the wardrobe she brought to ensure it was okay for the event. Vaughn agreed and went to Wells' room with her.

10. Thereafter, Wells has made malicious and knowingly false defamatory statements – verbally and in writing – to third parties accusing Vaughn of criminal acts – "grooming" her for his sexual gratification, sexually assaulting, molesting, and sexually battering her.

11. Wells was never an employee of the Freeman Company and was well aware of that fact.

12. On or about April 20, 2020, Wells sent a letter and photos of herself to the Freeman Company that contained knowingly false and malicious defamatory statements against Vaughn. The letter – among other things - accuses Vaughn of criminal conduct including grooming her for his sexual gratification, sexually assaulting and sexually battering her and stated that Vaughn took all of the photos that were enclosed.

13. Wells' letter to Freeman states – among other things – that grooming is the “modus operandi of sexual predators and is defined as a process whereby the predator befriends and establishes an emotional connection with the child, and often times the child's family, in order to lower the child's inhibitions with the objection of sexual abuse.”

14. The letter goes on to state that “Vaughn targeted Lexi at an early age.”

15. As a final example, Wells' letter to the Freeman Company states that Vaughn engaged in “molestation” of Wells.

16. Wells sent the letter to the Freeman Company in order to defame Vaughn personally and professionally and with the intent to interfere with Vaughn's employment and/or business relationship with the Freeman Company – i.e. to have his employment/business relationship terminated.

17. Wells attends Western Kentucky University (“WKU”).

18. Vaughn's daughter, Haley Vaughn, also attends WKU.

19. In or about August 2020, Wells contacted WKU verbally and/or in writing accusing Vaughn of the above referenced criminal conduct.

20. Wells communication to WKU was done maliciously in order to defame Vaughn and to have him banned from the campus so Vaughn could not visit his daughter.

21. Vaughn is now required to notify WKU and law enforcement before he can come on to campus to visit his daughter or for any other reason.

22. Wells, along with her parents, have communicated the same untrue and criminal/defamatory statements to Vaughn's friends, fellow church members, and the community at large in an effort to damage Vaughn's personal and professional reputation and humiliate him.

**COUNT I - DEFAMATION/DEFAMATION *PER SE*/LIBEL**

23. Vaughn incorporates the Factual Allegations set forth above.

24. Wells published written communications to a third party, that were malicious and untrue and that injured Plaintiff's occupational reputation and his reputation throughout the community.

25. Vaughn has suffered damages as a result of Wells' defamatory actions.

**COUNT II - DEFAMATION/DEFAMATION *PER SE*/SLANDER**

26. Vaughn incorporates the Factual Allegations set forth above.

27. Wells' verbal communications to a third party, were malicious and untrue and injured Vaughn's occupational reputation and his reputation throughout the community.

28. Plaintiff has suffered damages as a result of Defendants' defamatory actions.

**COUNT III – TORTIOUS INTERFERENCE WITH A BUSINESS RELATIONSHIP**

29. Vaughn incorporates the Factual Allegations set forth above.

30. Vaughn has a business relationship with the Freeman Company, of which Wells was aware.

31. Wells intentionally interfered with Vaughn's relationship with the Freeman Company by making false claims against Vaughn and providing untruthful information to the Freeman Company.

32. Said defamatory, false and misleading statements were made unnecessarily and without justification.

33. Vaughn has suffered damages as a result of Wells' unlawful actions.

**JURY DEMAND AND PRAYER FOR RELIEF**

WHEREFORE, Timothy Vaughn respectfully requests a jury trial and the following relief:

1. A permanent injunction against Wells preventing the further dissemination or disclosure of defamatory information;
2. Payment of his attorney's fees, expenses, lost work time and other associated costs due to Wells' tortious interference and all other economic losses associated therewith;
3. Payment for damages to his professional and personal reputation;
4. Compensatory damages, including damages for humiliation, emotional and mental distress;
5. Punitive damages;
6. Pre- and post-judgment interest;
7. All costs and attorney fees incurred in litigating this action; and
8. Any and all other legal and/or equitable relief this court deems just and appropriate.

Respectfully submitted,

/s/Kyle F. Biesecker

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*Attorneys for Timothy Vaughn*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 27, 2021, a copy of the foregoing was filed electronically. Service will be made electronically on all ECF-registered counsel of record via email generated by the Court's ECF system.

/s/ Kyle F. Biesecker  
Kyle F. Biesecker